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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kuwait, Kyrgyzstan, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Portugal, Slovakia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Iraq

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments, and to the Geneva Conventions of 12 August 1949,[3]

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, Treaty Series, vol. 75, Nos. 970-973.

Recalling its resolution 50/191 of 22 December 1995, in which it expressed its strong condemnation of the massive violations of human rights of the gravest nature in Iraq, and recalling Commission on Human Rights resolution 1996/72 of 23 April 1996,[4]

Bearing in mind Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens were respected,

Recalling Security Council resolution 687 (1991) of 3 April 1991,

Recalling also Security Council resolution 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil up to the amount of one billion United States dollars every ninety days, on a renewable basis, to be used, inter alia, to purchase essential food and medical supplies for humanitarian purposes,

Deploring the refusal of the Government of Iraq to cooperate with the United Nations human rights mechanisms, in particular by not receiving a return visit of the Special Rapporteur to Iraq and not allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq[5] submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq and the observations, conclusions and recommendations contained therein, and noting his dismay that there has been no improvement in the situation of human rights in the country;

2. Expresses its strong condemnation of the massive and extremely grave violations of human rights for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror;

3. Expresses its condemnation with regard to the violations of human rights and international humanitarian law, in particular of:

(a) Summary and arbitrary executions, including political killings;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of decrees prescribing cruel and unusual punishment, namely mutilation, as a penalty for certain offences and the

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[4] Official Records of the Economic and Social Council, 1996, Supplement No. 3, (E/1996/23), chap. II, sect. A.

[5] A/51/496 and Add.1.

abuse and diversion of medical-care services for the purpose of such mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, information, expression, association and assembly, through fear of arrest, imprisonment and other sanctions, including the death penalty, as well as harsh limitations to freedom of movement;

4. Expresses its grave concern at the action of military forces, including heavy artillery and tanks, against civilian targets in northern Iraq, resulting in numerous deaths and a large number of arrests and missing persons;

5. Welcomes the memorandum of understanding reached in May 1996 between Iraq and the Secretary-General to implement Security Council resolution 986 (1995) to respond to the serious humanitarian situation in Iraq perpetuated by the non-compliance of the Government of Iraq with various Security Council resolutions;

6. Urges the Government of Iraq to cooperate with the United Nations with a view to ensuring the implementation of Security Council resolution 986 (1995), in accordance with the agreement reached in May 1996 that medicines, health supplies, foodstuffs and other humanitarian supplies, purchased with the proceeds of the sale of Iraqi petroleum and petroleum products, are distributed to the Iraqi population equitably and on a non-discriminatory basis;

7. Again expresses its special alarm at the policies of the Government of Iraq, which discriminate between regions and prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

8. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights,[1] and to the International Covenant on Civil and Political Rights,[2] to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and international humanitarian law, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

9. Demands that the Government of Iraq restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

10. Also demands that the Government of Iraq abrogate any and all decrees that prescribe cruel and inhuman punishment or treatment and take every step

necessary to ensure that the practice of torture and cruel and unusual punishments and treatment no longer occur;

11. Urges the Government of Iraq to abrogate all laws and procedures, including Revolution Command Council decree No. 840 of 4 November 1986, that penalize the free expression of competing views and ideas and to ensure that the genuine will of the people shall be the basis of authority in the State;

12. Also urges the Government of Iraq to improve its cooperation within the framework of the Tripartite Commission and its technical subcommittees with a view to establishing the whereabouts or resolving the fate of the remaining several hundred missing persons and prisoners of war, Kuwaitis and third-country nationals victims of the illegal Iraqi occupation of Kuwait;

13. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

14. Decides to continue its consideration of the situation of human rights in Iraq during its fifty-second session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.